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11
12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 JOEL SHANNON SMITH,

18 Defendant.

CASE NO. 2:17-CR000044-JAD-PAL

19 **STIPULATION AND ORDER TO CONTINUE MOTIONS DEADLINES ONLY (THIRD**
20 **REQUEST)**

21 **IT IS HEREBY STIPULATED** by and between Joel Shannon Smith, Defendant, by and
22 through his counsel, Paola M. Armeni, Esq., of the law firm of Gentile Cristalli Miller Armeni
23 Savarese and the Plaintiff, United States of America, by and through Dayle Elieson, United
24 States Attorney, and, Jared Grimmer, Assistant United States Attorney, that the pretrial motion
25 deadline date currently scheduled for May 25, 2018, be vacated and extended in accordance with
26 the parties' agreement below.

27 **IT IS FURTHER STIPULATED AND AGREED** that the parties herein shall have up
28 to and including June 11, 2018, within which to file any and all pretrial motions and notice of
defense.

IT IS FURTHER STIPULATED AND AGREED that the parties herein shall have up
to and including July 6, 2018, within which to file any and all responsive pleadings.

IT IS FURTHER STIPULATED AND AGREED that the parties herein shall have up

1 to and including July 13, 2018, within which to file any and all replies to dispositive motions.

2 This Stipulation is entered into for the following reasons:

3 1. The current pretrial motion deadline is May 25, 2018.

4 2. Defense counsel needs additional time to make a final determination if any
5 pretrial motions are warranted.

6 3. Both defense counsel and counsel for the Government will be out of the office
7 due to prior scheduled conflicts during the time frame that responses and replies are currently
8 due.

9 4. The extension will allow the parties to meet the deadlines set without an
10 additional request for more time.

11 5. Mr. Joel Shannon Smith has appeared in this case is in custody and, along with
12 the government, agree to a continuance.

13 6. The additional time requested herein is not sought for purposes of delay and the
14 denial of this request for a continuance could result in a miscarriage of justice;

15 7. For all the above-stated reasons, the ends of justice would be best served by the
16 continuance of the deadlines of pretrial motions.

17 8. This is the third request for an extension of time to file pretrial motions.

18 DAYLE ELIESON
19 UNITED STATES ATTORNEY
DISTRICT OF NEVADA

GENTILE CRISTALLI
MILLER ARMENI SAVARESE

20 DATED this 25th day of May, 2018.

DATED this 25th day of May, 2018.

21 /s/Jared Grimmer
22 JARED GRIMMER
23 Assistant United States Attorney
Attorneys for Plaintiff,
UNITED STATES OF AMERICA

/s/Paola M. Armeni
24 PAOLA M. ARMENI
25 Attorney for Defendant,
26 JOEL SHANNON SMITH
27
28

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

CASE NO. 2:17-CR000044-JAD-PAL

4 Plaintiff,

5 vs.

6 JOEL SHANNON SMITH,

7 Defendant.

8 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

9
10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court hereby finds that:

12 **CONCLUSIONS OF LAW**

13 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes that:

- 14 1. The current pretrial motion deadline is May 25, 2018.
- 15 2. Defense counsel needs additional time to make a final determination if any
16 pretrial motions are warranted.
- 17 3. Both defense counsel and counsel for the Government will be out of the office
18 due to prior scheduled conflicts during the time frame that responses and replies are currently
19 due.
- 20 4. The extension will allow the parties to meet the deadlines set without an
21 additional request for more time.
- 22 5. Mr. Joel Shannon Smith has appeared in this case is in custody and, along with
23 the government, agree to a continuance.
- 24 6. The additional time requested herein is not sought for purposes of delay and the
25 denial of this request for a continuance could result in a miscarriage of justice;
- 26 7. For all the above-stated reasons, the ends of justice would be best served by the
27 continuance of the deadlines of pretrial motions.
- 28 8. This is the third request for an extension of time to file pretrial motions.

9. The ends of justice are served by granting said continuances and outweigh the best interest of the public and the Defendant's right to a speedy trial, since the failure to grant said continuances would be likely to result in a miscarriage of justice, as it would deny the parties herein sufficient time, and the opportunity, within which to effectively and thoroughly prepare and file pretrial motions, responses, and replies, and prepare for trial taking into account the exercise of due diligence.


ORDER

IT IS FURTHER ORDERED by and between the parties herein, the deadlines for filing of any and all pretrial motions are hereby due on or before the 11th day of June, 2018.

IT IS FURTHER ORDERED that the deadlines for filing of responsive pleadings, are hereby due on or before the 6th day of July, 2018.

IT IS FURTHER ORDERED that the deadlines for filing any and all replies to dispositive motions, are hereby due on or before the 13th day of July, 2018.

DATED this 25th day of May, 2018.


JENNIFER A DORSEY
UNITED STATES DISTRICT COURT JUDGE
CASE NO.: 2:17-CR-00044-JAD-PAL